IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.728 OF 1967.

National and Grindlays Bank Ltd. ... Plaintiff.
Versus.
Nija Sevashram and others. ... Defendants.

Shri S.B.Amin for the Plaintiff.

Ms.Rupali Dixit i/by M/s.Maneksha and Sethna for the Respondent (Plaintiff No.2).

Ms.Sarika Mehra i/by L.J.Law for Defendant No.1.

Shri Harshad Mehta, Constituted Attorney Defendant No.1 present.

CORAM : ABHAY S.OKA, J.

DATED : 2nd August, 2007.

P.C.:

1. The learned Counsel appearing for the Plaintiffs seeks permission to delete the names of the 2nd to 7th Defendants. Permission is granted. Amendment to be carried out within six weeks.

2. The learned Counsel appearing for the plaintiff has tendered on record a draft amendment. The learned Counsel for the 1st Defendant states that the 1st Defendant has no objection for allowing the amendment. The draft amendment is marked "X" for identification. Accordingly the Plaintiffs are permitted to carry out the amendment in terms of the draft handed in.

3. The learned Counsel appearing for the parties have tendered on record consent terms duly signed by the

Constituted Attorney of the 1st Plaintiff, the 2nd Plaintiff as well as the 1st Defendant. The consent terms are duly signed by the Advocates on record for the 1st and 2nd Plaintiffs as well as the 1st Defendant. The learned Counsel appearing for the Plaintiffs and the 1st Defendant states that the consent terms be taken on record and a decree may be passed in the suit in terms of the consent terms. Accordingly the consent terms are marked "Y" for identification and the same are taken on record.

4. The suit is decreed in terms of the consent terms taken on record. The decree shall be drawn in terms of the consent terms.

5. The parties will bear their respective costs.

6. The Plaintiff will be entitled to the refund of Court fees as per the Rules.

7. In view of the decree passed in the suit, Notice of Motion No.954 of 2007 does to survive and the same is disposed of.

8. Certified copy is expedited.

Judge.